

## **REMARKS**

The application includes claims 7-34 prior to entering this amendment.

The examiner rejects claims 7-34 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi (U.S. Patent 6,665,439) and further in view of Dube et al (U.S. Patent 6,782,143).

The applicants add no new matter and request reconsideration.

### **Finality of the Office Action**

The applicants respectfully request that Examiner Le withdraw the finality of this Office Action, as the Office Action does not comply with MPEP §§ 706.02(j), 707.07(f), and 706.07. MPEP § 706.02(j) states “35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references.”

In the final Office Action dated March 2, 2007, the Examiner rejects claims 7-34 as being unpatentable over the combination of Takahashi in view of Dube. However, in explaining the rejection of independent claim 18, the Examiner has not pointed to Dube as teaching any of the features of the claim. See Office Action page 4. Specifically, the Examiner has simply repeated the substance of the 35 U.S.C. 102(e) rejection of claim 18 from the previous Office Action, dated October 11, 2006, and labeled it as a 103(a) rejection. Therefore, the rejection of independent claim 18 under 35 U.S.C. 103(a) is improper. Consequently, the applicants request that the finality of the Office Action be withdrawn so that the claims as submitted can be examined properly.

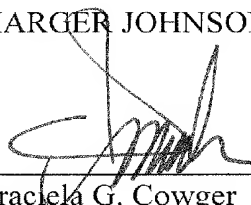
MPEP § 707.07(f) states “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.” MPEP § 706.07 states “where a single previous Office action contains a complete statement of a ground of rejection, the final rejection may refer to such a statement and also should include a rebuttal of any arguments raised in the applicant’s reply.”

In the applicants’ response to the previous Office Action, dated October 11, 2006, the applicants traversed the rejections of claims 18-28 and 32-34 and provided detailed arguments as to how the claimed features are not taught by the Takahashi reference. The current Office Action, dated March 2, 2007, reiterates the same substantive rejections of these claims as those stated in the previous action and does not provide any response to the applicants’ arguments. Therefore, the final Office Action does not comply with MPEP §§ 707.07(f) and 706.07. Consequently, the applicants request that the finality of the final

Office Action be withdrawn under MPEP § 706.07(d) so that the applicants' arguments for patentability of claims 18-28 and 32-34 can be considered by the Examiner.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to read 'Graciela G. Cowger', is written over a horizontal line.

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